



# SENATE JOINT RESOLUTION No. 2

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## DIGEST OF INTRODUCED RESOLUTION

**Citations Affected:** Articles 5, 6, and 10 of the Constitution of the State of Indiana.

**Synopsis:** State fiscal officers. Establishes the office of state controller, beginning January 1, 2022. Provides that the method of selection, tenure, duties, and compensation of the state controller shall be prescribed by law. Abolishes the offices of auditor of state and treasurer of state, beginning January 1, 2022.

**Effective:** This proposed amendment must be agreed to by two consecutive general assemblies and ratified by a majority of the state's voters voting on the question to be effective.

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**Miller Pete**

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January 5, 2016, read first time and referred to Committee on Judiciary.

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PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

## SENATE JOINT RESOLUTION No. 2

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A JOINT RESOLUTION proposing an amendment to Articles 5, 6, and 10 of the Constitution of the State of Indiana concerning state offices and administration.

*Be it resolved by the General Assembly of the State of Indiana:*

- 1 SECTION 1. The following amendment to the Constitution of the
- 2 State of Indiana is proposed and agreed to by this, the One Hundred
- 3 Nineteenth General Assembly of the State of Indiana, and is referred
- 4 to the next General Assembly for reconsideration and agreement.
- 5 SECTION 2. ARTICLE 5, SECTION 10 OF THE CONSTITUTION
- 6 OF THE STATE OF INDIANA IS AMENDED TO READ AS
- 7 FOLLOWS: Section 10. (a) In case the Governor-elect fails to assume
- 8 office, or in case of the death or resignation of the Governor or the
- 9 Governor's removal from office, the Lieutenant Governor shall become
- 10 Governor and hold office for the unexpired term of the person whom
- 11 the Lieutenant Governor succeeds. In case the Governor is unable to
- 12 discharge the powers and duties of the office, the Lieutenant Governor



1 shall discharge the powers and duties of the office as Acting Governor.

2 (b) Whenever there is a vacancy in the office of Lieutenant  
3 Governor, the Governor shall nominate a Lieutenant Governor who  
4 shall take office upon confirmation by a majority vote in each house of  
5 the General Assembly and hold office for the unexpired term of the  
6 previous Lieutenant Governor. If the General Assembly is not in  
7 session, the Governor shall call it into special session to receive and act  
8 upon the Governor's nomination. In the event of the inability of the  
9 Lieutenant Governor to discharge the powers and duties of the office,  
10 the General Assembly may provide by law for the manner in which a  
11 person shall be selected to act in the Lieutenant Governor's place and  
12 declare which powers and duties of the office such person shall  
13 discharge.

14 (c) Whenever the Governor transmits to the President pro tempore  
15 of the Senate and the Speaker of the House of Representatives the  
16 Governor's written declaration that the Governor is unable to discharge  
17 the powers and duties of the office, and until the Governor transmits to  
18 them a written declaration to the contrary, such powers and duties shall  
19 be discharged by the Lieutenant Governor as Acting Governor.  
20 Thereafter, when the Governor transmits to the President pro tempore  
21 of the Senate and the Speaker of the House of Representatives the  
22 Governor's written declaration that no inability exists, the Governor  
23 shall resume the powers and duties of the office.

24 (d) Whenever the President pro tempore of the Senate and the  
25 Speaker of the House of Representatives file with the Supreme Court  
26 a written statement suggesting that the Governor is unable to discharge  
27 the powers and duties of the office, the Supreme Court shall meet  
28 within forty-eight hours to decide the question and such decision shall  
29 be final. Thereafter, whenever the Governor files with the Supreme  
30 Court the Governor's written declaration that no inability exists, the  
31 Supreme Court shall meet within forty-eight hours to decide whether  
32 such be the case and such decision shall be final. Upon a decision that  
33 no inability exists, the Governor shall resume the powers and duties of  
34 the office.

35 (e) Whenever there is a vacancy in both the office of Governor and  
36 Lieutenant Governor, the General Assembly shall convene in joint  
37 session forty-eight hours after such occurrence and elect a Governor  
38 from and of the same political party as the immediately past Governor  
39 by a majority vote of each house. If either house of the General  
40 Assembly is unable to assemble a quorum of its members because of  
41 vacancies in the membership of that house, the General Assembly shall  
42 convene not later than forty-eight hours after a sufficient number of the



vacancies are filled to provide a quorum of members for that house.

(f) An individual holding one (1) of the following offices shall discharge the powers and duties of the Governor if the office of Governor and the office of Lieutenant Governor are both vacant, in the order listed:

(1) The Speaker of the House of Representatives.

(2) The President pro tempore of the Senate, if the office described in subdivision (1) is vacant.

(3) The Treasurer of State, if:

(A) the offices described in subdivisions (1) and (2) are vacant; **and**

**(B) the powers and duties of the Governor are to be discharged before January 1, 2022.**

(4) The Auditor of State, if:

(A) the offices described in subdivisions (1) through (3) are vacant; **and**

**(B) the powers and duties of the Governor are to be discharged before January 1, 2022.**

**(5) The State Controller, if:**

**(A) the offices in subdivisions (1) through (4) are vacant or no longer exist; and**

**(B) the powers and duties of the Governor are to be discharged after December 31, 2021.**

~~(5)~~ (6) The Secretary of State, if the offices described in subdivisions (1) through ~~(4)~~ (5) are vacant **or no longer exist.**

~~(6)~~ (7) The State Superintendent of Public Instruction, if the offices described in subdivisions (1) through ~~(5)~~ (6) are vacant **or no longer exist.**

(g) An individual's authority to discharge the Governor's powers and duties under subsection (f) ends when the General Assembly fills the office of Governor under this section.

SECTION 3. ARTICLE 6, SECTION 1 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED TO READ AS FOLLOWS: Section 1. There shall be elected, by the voters of the state, a Secretary ~~an Auditor and a Treasurer~~ of State, who shall, ~~severally,~~ hold ~~their offices~~ **office** for four years. ~~They~~ **The Secretary of State** shall perform such duties as may be enjoined by law. ~~and no person shall be~~ **An individual is not** eligible to ~~either of said offices;~~ **hold the office of Secretary of State** for more than eight years in any period of twelve years.

SECTION 4. ARTICLE 6 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED BY ADDING A NEW



SECTION TO READ AS FOLLOWS: **Section 1.1. (a) At the 2018 general election, the voters of Indiana shall elect the following:**

**(1) An Auditor of State.**

**(2) A Treasurer of State.**

**(b) The individuals elected as provided in subsection (a) shall hold office until January 1, 2022.**

**(c) The individuals elected as provided in subsection (a) shall perform the duties set forth in Indiana law for each of their respective offices.**

**(d) The Auditor of State and the Treasurer of State shall each keep the public records, books, and papers, in any manner relating to each of their respective offices, at the seat of government.**

**(e) This Section expires January 2, 2022.**

SECTION 5. ARTICLE 6, SECTION 5 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED TO READ AS FOLLOWS: Section 5. (a) The Governor and the Secretary ~~Auditor,~~ and ~~Treasurer~~ of State shall ~~severally~~ **each** keep the public records, books, and papers, in any manner relating to their respective offices, at the seat of government.

(b) The Governor shall reside at the seat of government.

SECTION 6. ARTICLE 10 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED BY ADDING A **NEW** SECTION TO READ AS FOLLOWS: **Section 9. (a) Beginning January 1, 2022, there shall be a State Controller, whose:**

**(1) method of selection;**

**(2) tenure;**

**(3) duties; and**

**(4) compensation;**

**shall be prescribed by law.**

**(b) The State Controller shall keep the public records, books, and papers, in any manner relating to the office of State Controller at the seat of government.**

